

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

April 12, 2007

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at Sal's, 3347 Tates Creek Road, Lexington, KY on Thursday, April 12, 2007.

MEMBERS PRESENT

Byron T. Westerfield, M.D., Chair
Klaus O. Becker, Vice-Chair
Anna J. Jones
Pat Fisher
Wade Root
Tami McDaniel
Abdi Vaezy, M.D.

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 5:30 p.m., in a dining room at Sal's Restaurant, in Lexington, KY.

Report from CEU Committee - Continuing Education

Mr. Root advised he had seen an increase in larger programs. There are more 8, 12, and 14 hour offerings being submitted with a movement towards more progressive education offered throughout the state at reasonable prices. Mr. Root also mentioned the AARC's Region II is no longer available which was usually held in Northern KY.

It was also noted 175 folks did not renew in 2007. Non-renewing people are posted on the KBRC website, as well as notified by letter (with copies to their last known employers regarding status).

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Ms. Lalonde updated the Board that Shirley Henderson had called her in regard to her outside treatment program and finally signed the KYPRN agreement on March 19, 2007, after multiple requests by the Board and Mr. Fingerson. Ms. Lalonde advised Ms. Henderson the Board probably would not approve any outside program or give her credit toward her six (6) month suspension until she completes the KYPRN program with Brian Fingerson, since he alone acts as the Board's agent assist, supervise, monitor and report her progress in recovery.

A motion was made by Wade Root to begin crediting Ms. Henderson with continued sobriety effective March 19, 2007 (the date she signed the KYPRN agreement). Ms. Henderson will need to produce documentation of (6) six months continued sobriety to meet the conditions of her *Amended Agreed Order* with the Board and the KYPRN program with Brian Fingerson. The

Board will not consider reinstatement of Mrs. Henderson's license until such time as she meets the terms of the order. The motion was seconded by Tami McDaniel and carried unanimously.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order and plans to take her RRT exam in the near future.

Katrina A. Baker KY # 0208 – Agreed Order 4/20/06; Amended Order 3/16/07

Mrs. Moore stated we had received documentation from Brian Fingerson that Katrina Baker has completed another course of residential treatment at Guesthouse in Bowling Green, KY and will continue her KYPRN program with Mr. Fingerson pursuant to an order.

Ms. Lalonde prepared an *Agreed Order of Surrender as Revoked* (amendment to original order) for Katrina Baker which Ms. Baker signed due to her relapse. Ms. Baker is suspended from the practice of respiratory care for six (6) months beginning on March 16, 2007. Ms. Baker will have to document six (6) months of continued sobriety while working with KYPRN and Brian Fingerson before she may apply for reinstatement of her license.

Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06

Mr. Fingerson reports that Mrs. Barnes is doing random drug screens with negative results and she provides monthly self reports and 12-step meeting attendance logs. February represented her one (1) year anniversary of sobriety.

Old Business

Tami D. Balser KY # 4272 – 2007 Renewal Pending Approval

Mrs. Moore updated the Board that we had not heard from Tami D. Balser regarding the Board's directives. Nothing further will be done until we hear from Ms. Balser.

Review of U.K. Hospital Response about Employee Licensure Checks

Mrs. Moore presented a response from Deborah Sublett, RRT, at the University of Kentucky Medical Center in Lexington, KY. Ms. Sublett stated the respiratory department has implemented a process to eliminate therapists working on a lapsed license. Ms. Sublett advised the process implemented at U.K. should eliminate future occurrences of therapists working on a lapsed license.

Review of St. Joseph Hospital Response about Employee Licensure Checks

Mrs. Moore presented a response from Renee R. Bullock, SPHR, Interim Director, for Employment and Associate Relations at Saint Joseph HealthCare in Lexington, KY. Ms. Bullock stated along with Marlene Riggie, Supervisor of Respiratory Care Department, that policies and procedures are currently undergoing extensive review to implement a process to eliminate therapists working on an expired license at Saint Joseph. The KBRC staff discovered a

therapist working nine (9) months without an active license at Saint Joseph. Ms. Bullock advised that a complete report will be forwarded to the Board upon completion of the internal review.

Ms. Lalonde suggested additional inquiry of U.K. and Saint Joseph for review at the Board's next meeting.

Wade Root requested a letter be sent to Clinton County Hospital in Albany, KY requesting a policy be implemented to check for current licenses of all respiratory therapists. Clinton Co. had two (2) therapists that worked on expired licensures after January 30, 2007.

Wade Root advised the Board that he had been approached by a small number of students completing a Baccalaureate degree. These students had questions regarding the Temporary licensure step and wanted to know why they had to secure the "Temporary license". Anna Jones noted that many students are now sitting for the CRT before they graduate the Student program and they don't like the idea of paying \$85 for a Temporary to work a few days. Ms. McDaniel stated if they want to work they have to get a Temporary or be taken off the work schedule. Ms. Lalonde stated if they are doing respiratory care in any form or fashion then they must get the appropriate license.

2007 Listing of Agreed Order & Fines Collected

Mrs. Moore presented a listing that was forwarded to the Cabinet for Health Services, Division of Licensing and Regulations, of nine (9) respiratory therapists found to have lapsed on licensure renewals after the expiration of their respiratory licenses. These nine therapists paid fines by agreed order and were reinstated to work.

Lonnie Ely Case Pending with Jefferson County Grand Jury Review

Mrs. Moore did not have any new information from Kathryn Reed, Agent with the Attorney General's office or the Jefferson County Commonwealth's Attorney office regarding the Lonnie Ely case pending in Jefferson County.

Tami McDaniel stated she had recently attended a meeting of the AARC Leadership Conference in Dallas, Texas. Ms. McDaniel stated the AARC presented an Opinion statement on polysomnographers licensure (RPSGT). Ms. McDaniel will get a copy of the Opinion statement for the Board's review. Dr. Westerfield told the Board that the KY Sleep Society is talking to the Kentucky Medical Licensure Board to have their licensure under KBML's umbrella if laws are passed in 2008 Legislative Session.

Dr. Westerfield excused himself from the KBRC meeting at 7:00 p.m., due to another obligation he had and asked Klaus Becker, Vice-Chairman, to conduct the remainder of the meeting.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Tami McDaniel made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Anna Jones, and carried unanimously.

Tami McDaniel moved to come out of closed session; seconded by Anna Jones. Motion carried unanimously.

A. Jan Dillon - KY # 2841

The Board reviewed correspondence from Tina Tuck, respiratory therapy coordinator at Southern KY Rehab Hospital stating they had dropped the charges filed against Jan Dillion, a respiratory therapist. Tami McDaniel made a motion to dismiss the complaint against Jan Dillion without prejudice; motion was seconded by Anna Jones and carried unanimously.

B. Mark Pierce - KY # 0936

The Board reviewed the complaint. Tami McDaniel made a motion to continue the case pending outcome of Mr. Pierce's criminal case; motion was seconded by Anna Jones and carried unanimously.

C. Donald James - KY # 0098

The Board reviewed the complaint. Tami McDaniel made a motion to continue the case pending outcome of Mr. James's criminal case; motion was seconded by Anna Jones and carried unanimously.

D. Mark Hinkle - KY # 1022

The Board reviewed the complaint. Tami McDaniel made a motion to continue the case pending outcome of Mr. James's criminal case; motion was seconded by Anna Jones and carried unanimously.

E. Robert M. Taylor - KY # 1022

The Board reviewed a complaint against Robert M. Taylor filed by Bill Fell, Supervisor of Respiratory Care at University of Louisville Hospital. Tami McDaniel made a motion to authorize legal counsel to prepare an Agreed Order in accordance with the Board's discussion; motion was seconded by Anna Jones and carried unanimously.

F. David Ray Ballard - KY # 0209

The Board reviewed a complaint against David Ray Ballard filed by the Cabinet for Health and Family Services, Office of the Inspector General, which involved verbal abuse of a patient while working at Hazelwood Center in Louisville, KY. Tami McDaniel made a motion to authorize the attorney to prepare an Agreed Order in accordance with the Board's discussion; motion was seconded by Anna Jones and carried unanimously.

G. Edward R. Price - KY # 4682

The Board did not review or consider the complaint against Edward R. Price as Mr. Price had not had the appropriate time to respond to the complaint filed against him by Connie Schulz, Director at IntelliStaf Healthcare, Inc., Oakbrook Terrace, IL. Tami McDaniel made a motion to continue the complaint case pending a response from Mr. Price; motion was seconded by Anna Jones and carried unanimously.

New Business

John Carmony Email Re: Pending ARH Strike

Mr. Root presented an email from John Carmony, official representative of the United Steelworkers Labor Union. Mr. Carmony had concerns on the pending strike and walkout of hospital employees at the ARH hospitals in KY. The Board agreed to wait and see if any circumstances arose regarding “patient abandonment”.

Jimmie C. Cunningham Letter of Protest Re: KBRC Changes

Mrs. Moore presented a letter from Jimmie C. Cunningham protesting the new fees that were approved by the Legislature in September 2006. Mr. Cunningham stated he did not know about these changes until his renewal was due and it cost him \$75 instead of \$50. The Board posted the information on the KBRC website, mailed newsletters to all respiratory department supervisors and the KSRC announcing the changes in advance to spread the word about fee increases being implemented for the first time in 16 years. Mrs. Moore will respond to Mr. Cunningham.

Announcements

The next regular meeting of the KBRC will be held on Thursday, June 14, 2007 at 5:30 p.m., at KBRC conference room, 2624 Research Park Drive, Suite 304, Lexington, KY.

Application Review

A motion was made by Pat Fisher to accept all **44** applications since the last meeting; seconded by Anna Jones. Motion carried unanimously.

The following **Student applications (11)** were approved:

Randy Darnell, Kellie R. Fain, Katherine M. Fields, Melisa A. Hale, Thomas A. Hall, Ronald W. Maxey, Christy D. McClain, Erin M. Murray, Gary W. Rayborn, Ryan M. Thompson, Leslie S. Wood.

The following **Temporary applications (5)** were approved:

Jade M. Best, Lauren L. Butts, Sarah L. Driskell, Ashley N. Eaton, Lauren L. Wrenn.

The following **NBRC applications (9)** were approved:

Leanna M. Bennett, Jonathan M. Block, Desiree J. Hudspeth, Donna C. Jennings, Angela M. Lewis, Veronica M. Porter, Jennifer L. Sparks, Nilla Truitt and Julie L. Wilcox.

The following **Reciprocity applications (19) were** approved:

Irissh L. Boyd, Bruce M. Brooks, Melissa C. Carlisle, Sarah L. Hall, Terry G. Katzman, LeeAnn Kipta, Theresa S. Mann, Deanna D. Moore, Allison T. Olivera, Marcus Kenyon Perryman, Jason M. Richards, Stephen L. Richey, Ricardo Rodriguez, Amanda J. Thompson, Michelle Lynn Tibbs, Sara A. Weaver, Julie L. Wilcox, Keenan Willoughby, Michelle R. Willoughby.

Anna Jones made a motion to adjourn the meeting at 8:50 p.m.; seconded by Dr. Abdi Vaezy. Motion carried unanimously.

Dr. B.T. Westerfield, Chair
KY Board of Respiratory Care